REMARKS

Claims 3-24 have been rejected by the present non-final Office Action. Claims 1, 2, and 25-34 were previously withdrawn from consideration by an earlier response to a restriction requirement. Claims 3-24 are currently under examination and have been rejected. After entry of the present amendment, claims 3, 5-10, 12-14, and 16-24, remain pending in the application. The present amendment amends independent claims 3 and 24, dependent claims 6, 7, 10, 12-14, 16, 19, and 20-22, and cancels claims 4, 11, and 15, to clarify the scope of the claimed inventions. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. § 101

In the non-final Office Action, claims 3-24 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The present amendment amends claims 3, 6, 7, 10, 13, 14, 16, 19, and 20-22 to clarify that the method is "computer-implemented" and certain elements can be performed "by a processor". These amendments are supported by the Applicants' specification at least at paragraph [0019]. This rejection is believed to be traversed.

Claim Rejections Under 35 U.S.C. § 103

Claims 3-24 were rejected under 35 U.S.C. §103(a) as being obvious over Raveis, U.S. Patent Publication No. 2001/0047282 ("*Raveis*"), in view of Koppelman, et al., U.S. Patent No. 6,662,164 ("*Koppelman*").

The present amendment amends independent claim 3 to clarify that the "business rule associates at least one variable with at least one condition," that the method references "at least one business rule in the table using at least in part the data related to the transaction," and that it calculates "commissions, based at least in part, on the value of the at least one transaction and the at least one business rule referenced in the table."

This amendment is fully supported by the Applicants' specification at least at paragraph [0032] which states:

[O]ne commissions component, referred to as "residuals" or "residual payments,"

is based on a percentage of a value of transactions generated by each account represented by the sales rep, in a time period. The value of the transactions may be the net sales, for example, which is multiplied by predetermined basis points to yield the residual payment commissions component. Residual payments in a time period may be capped. A minimum value of sales may have to be met in the time period before any residuals are paid. The predetermined basis points applied to calculate the residual payment may be based on the length of time the merchant has been enrolled, approved (passed credit check) or activated (met a predetermined level of activity) in a particular program, referred to as the "age" of the account, and may decrease as the age increases for example. There may be limits on the length of time the residuals are paid for an account, such as five years, for example. There may also be minimum levels that must be met in a time period before a residual payment is made for that time period. The value for the basis points and the associated conditions are determined by and may differ among the Alliances 15 and among the Alliance's compensation plans. The variables, these conditions, and identifications of a sales rep servicing the account, the Alliance represented by the sales rep, and the compensation plan applicable to the sales rep, may be associated in one or more tables for calculation of this commissions component. Since the basis points are also dependent on the sales rep and Alliance compensation plan, they may also be conditions in the business rules for calculating this and other commissions components as discussed below, depending on how the tables are organized. Other business rules may be used instead of or along with these rules.

Other exemplary embodiments using these types of business rules to calculate commissions are described at least in paragraphs [0033]-[0038]. As described in the specification, the calculation of a commission can be based on a series of variables and conditions associated with the transaction. In conventional systems, the complexity of these calculations, in some instances, required cumbersome systems that were difficult to update and were often hard-coded in software such that "[w]henever a business rule needed to be changed, the applicable code had to be rewritten." *See* para. [0010]-[0011]. In certain embodiments of the Applicants' claimed inventions, however, because a "business rule associates at least one variable with at least one condition," calculating commissions can be relatively simpler.

> [Moreover, to] facilitate incorporation of new rules and the modification of existing rules in commissions calculations systems, in embodiments of the present invention, business rules for calculating commissions are stored in tables. New business rules may be readily added to existing tables or new tables may be readily created. Existing rules may be readily modified.

See para. [0014]. This means that in contrast to conventional systems, the use of "business rule[s] [that] associate[] at least one variable with at least one condition" are relatively more flexible.

Neither *Raveis* nor *Koppelman*, either alone or in combination with each other, appear to disclose or suggest the use of business rules for calculating commissions that "associate at least one variable with at least one condition." The Office Action cites *Raveis* as disclosing such a method, but when commissions are calculated by *Raveis*, they are done "in accordance with a set of parameters," see *Raveis*, para. [0015], and not as a function of variables and conditions reflected in business rules. Using these parameters, *Raveis* appears to rely on a series of commission schedules stored in tables to calculate a commission. *See* para. [0117].

Although *Raveis* refers to "business rules," these business rules appear to differ from those used in certain embodiments of the Applicants' claimed inventions. In *Raveis*, the business rules appear to control how the transaction is processed, not how the commission is determined. *See id.* In fact, the commission appears to be solely a function of a fixed percentage applied to a selling price, not as a function of variables and conditions. *See id.* ("Each manager will have a defined period and percentage for that period. Manager commissions will be paid out if the closing date of the sale falls within the defined time period."). In certain embodiments of the Applicants' claimed inventions, in contrast, "[b]usiness rules that may comprise associations between variables upon which commissions or components of commissions are calculated and conditions that determine the applicability of particular variables in particular circumstances." *See* para. [0028].

In other words, the business rules in *Raveis* appear to manage the flow of a transaction and appear to apply a fixed percentage to determine the commission. In certain embodiments of the Applicants' claimed inventions, business rules do not manage the transaction or apply a fixed percentage. Instead, the percentage varies with the conditions surrounding the circumstances of a transaction, and business rules determine the proper percentage by associating these conditions with one or more variables of which the commission is a function.

Thus, because *Raveis* does not disclose or suggest the use of one or more "business rule[s] [that] associate[] at least one variable with at least one condition" when calculating

commissions, Attorney for the Assignee respectfully submits that even if *Koppelman* discloses a system and method for importing data related to a value of at least one transaction as alleged in the Office Action, their combination would not make the claimed inventions obvious. This conclusion follows because their combination neither discloses nor suggests each and every element of independent claims 3 and 24.

For at least this reason, Attorney for the Assignee respectfully asserts independent claims 3 and 24 be allowed over the cited references. Dependent claims 5-10, 12-14, and 16-23 depend from at least one of these independent claims, for which arguments of patentability have been presented. If the above independent claims are in condition for allowance, the underlying dependent claims should also be in condition for allowance.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

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